



STATE OF MICHIGAN
COURT OF APPEALS

WILLIAM C. WHITBECK
CHIEF JUDGE

February 28, 2006

925 W. OTTAWA STREET
P.O. BOX 30022
LANSING, MICHIGAN 48909-7522
TELEPHONE (517) 373-3834
FAX (517) 373-3837
E-MAIL WWHITBECK@COURTS.MI.GOV

The Honorable Clifford W. Taylor
Chief Justice, Michigan Supreme Court
Michigan Hall of Justice
925 W. Ottawa Street
P.O. Box 30052
Lansing, MI 48909

Dear Chief Justice Taylor:

I am enclosing the Case Management Work Group's One-Year Report on the Court of Appeals' expedited track for appeals from summary disposition orders.

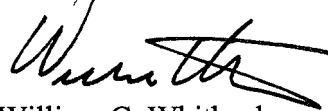
The Work Group drafted this report on the basis of twelve months' experience with the expedited track. As you will note, the report conveys an essentially positive view of the project that began in January 2005 under the auspices of Administrative Order 2004-5. The first year was marked by the following highlights, which are explained more fully in the report:

- Filings of appeals from summary disposition orders increased significantly in 2005 compared to 2004, perhaps because practitioners were more willing to recommend and clients were more willing to authorize appeals that could be disposed within six months.
- Appeals by leave increased slightly in 2005 compared to 2004, perhaps due to the same phenomenon noted above.
- Practitioners filed motions to remove appeals from the expedited track much less often than we had anticipated.
- The Court of Appeals granted motions to remove less frequently as the year progressed, although it administratively removed slightly more than one-third of the cases that were taken off the track in 2005.
- Practitioners ordered transcripts of summary disposition hearings in the overwhelming majority of the appeals on the expedited track, although the original Administrative Order permitted appellant to waive the transcripts without explanation or agreement of opposing counsel.
- Court reporters timely filed the transcripts in the vast majority of the appeals on the expedited track, a fact which was likely directly related to the premium page rate that was authorized by the Legislature for this project.

- While practitioners rarely filed motions to extend time to file briefs on the expedited track, the Court often granted the motions that were filed.
- More than 80% of the briefs on the expedited track were timely filed.
- Compared to the authorized limit of 35 pages per brief, practitioners filed briefs that averaged about 18 pages.
- Although the Court anticipated submitting most of the expedited cases to summary panels without oral argument, under MCR 7.214(E), more appeals were submitted to regular panels (with oral argument if preserved by the parties) than to summary panels.
- The Court issued more than two-thirds of its expedited track opinions within 180 days.
- In terms of delay reduction, the Court disposed of the average expedited summary disposition appeal within 161 days of filing. A full chart that compares the average time to disposition of various case types is contained in the report.
- Practitioner feedback on the expedited track, as compiled through the dedicated efforts of members of the Appellate Practice Section of the State Bar of Michigan, is generally positive. The Appellate Practice Section's report on this aspect of the project is attached (with permission) to the Work Group's report as Appendix A.

I think it is fair to say that members of the Court of Appeals bench and staff, members of the bar, and the parties whose cases have been disposed on the expedited track have been generally satisfied with our progress thus far. However, to the extent that the Work Group's earlier review of certain procedural aspects revealed potential for change, the Work Group did request modifications to the governing Administrative Order so that we could use the second year of the project to test new procedures that we believed would simplify the presentation and processing of these cases during record production and briefing. We thank the Supreme Court for approving our proposals in the form of Amended Administrative Order 2004-5 and we look forward to reporting to the Supreme Court on case processing and disposition under these new procedures later this year.

Sincerely,



William C. Whitbeck
Chief Judge

cc: Case Management Work Group
Ms. Deborah Hebert (Chair of APS Council)
Ms. Anne Boomer
Mr. Corbin Davis